

State of New Hampshire
Electricians' Board
Concord, New Hampshire 03301

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APR 28 2017

In the Matter of
Brian Khoury

STATE OF NH
OPLC - TECH

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public, the New Hampshire Electricians' Board (hereinafter "Board") and Brian A. Khoury (hereinafter "Respondent"), licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 319-C:6-a, 319-C:12, 319-C:12-b, and the Board of Electrician's Practice and Procedural Rules the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by electricians. Pursuant to RSA 319-C:12 and Elec 207.07 the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.

2. The Board first granted Respondent a license to practice electrical installations in the State of New Hampshire as a Master on February 1, 2006. Respondent currently holds master license number 11725M.

3. In response to an inspection by Inspector Dean Sotirakopoulos, at 11A Plaistow Rd, Plaistow, NH on March 31, 2017, it was determined that the Respondent allowed three apprentices Timothy Lavoie, 17566A, Jeffrey Magee, 17565A and Alexander Mickela, 16547A to perform electrical installations with one journeyman Clifford Downs, 11612J at 11A Plaistow Rd, Plaistow, NH. This is in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. No additional violations were found. In response to this, State Electrical Inspector Dean Sotirakopoulos conducted an investigation and obtained information from various sources pertaining to Respondent's violations of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules.

4. The investigation revealed and Respondent freely admits to the following facts:

The Respondent allowed three apprentices to perform electrical installations with one journeyman at 11A

Plaistow Rd, Plaistow, NH on March 31, 2017. This is in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 319-C:12(II)(c) and (g), 319-C:15(d), Elec 405.05(a).

5. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions, as stated in Elec 405.03(g), against Respondent's license to practice as an electrician in the State of New Hampshire and represents that he has taken steps to avoid any repetition of such conduct.

6. There is no current record of a similar violation on file at the Board's office.

7. Respondent is willing to accept that this is a first offense for each violation as described in Elec 405.03(c)(2) and 405.03(g). This shall be considered as a disciplinary action until May 2, 2024, as described in Elec 405.03(i).

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12 and Elec 405.03:

A. Respondent is **reprimanded**.

B. Respondent's license is **suspended** for a period of three months for each violation to be served consecutively for a total of six months. The suspension will be deferred for 1 year provided the Respondent advises the Board on a monthly basis in a written report of the location of any current or projected jobs in NH. The reports shall include jobs (completed or projected) from the first day of the month to the first day of the following month. The report, supplied by the Board shall be received in the Board's office by the first day of the month, with the first report due June 1, 2017 and the last report due on May 1, 2018. A report shall be filed each month even if no work is performed in NH.

C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 319-C:12, and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement*

is not accepted by the Board.

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.

18. Respondent certifies that he has read this *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the Building Code Review Board, pursuant to RSA 155-A:11-a. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.

19. This agreement shall take effect as an *Order of the Board* on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 4/25/17

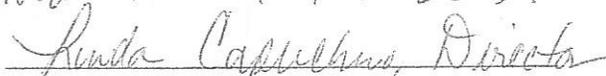


Respondent

FOR THE BOARD

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above. The Board approves with following amendment: paragraph 4, last sentence, Elec 405.05(a) shall be amended to read 404.05(a).

Date: 5.2.17



(Signature)

LINDA CAPUCHINO, DIRECTOR
(Print or Type Name)

Authorized Representative of the New Hampshire
Electrician's Board